

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, July 9, 2014 at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Resolution No. 2014-37

RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

The purpose of this Resolution is to amend the Kaua'i County Charter ("Charter") by amending Article XIX, relating to the Public Access, Open Space, and Natural Resources Preservation Fund. The proposed amendment to Section 19.15(C) would increase the fund's mandatory minimum annual appropriation of one-half of one percent (0.5%) such that effective July 1, 2016, beginning with the Fiscal Year 2016-2017 budget, the Council shall appropriate a minimum of two percent (2%) of the certified real property tax revenues to the fund.

This proposed amendment will be submitted for a vote by the electorate on the 2014 General Election ballot upon adoption of this Resolution by the Kaua'i County Council.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Copies of the proposed Resolution are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Resolution at its subsequent meetings. Meeting notices are posted at least 6 days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Resolution No. 2014-37 which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on June 25, 2014, by the following vote:

AYES:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
June 25, 2014

/s/ Ricky Watanabe
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – June 30, 2014)

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution

No. 2014-37

**RESOLUTION PROPOSING A CHARTER AMENDMENT
RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL
RESOURCES PRESERVATION FUND**

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Pursuant to Section 24.01 of the Charter of the County of Kauai (Charter), the Council hereby resolves to submit the Charter Amendment described in this Resolution to the voters of the 2014 General Election.

SECTION 2. Article XIX, Section 19.15(C) of the Charter is hereby amended as follows:

“C. Public Access, Open Space, and Natural Resources Preservation Fund.

(1) In adopting each fiscal year’s budget and capital program, the council shall appropriate a minimum of [one-half of one] two percent of the certified real property tax revenues to a fund known as the public access, open space, and natural resources preservation fund. The moneys in this fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements for land conservation purposes in the county of Kauai for the following purposes: public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; preserving forests, beaches, coastal areas and agricultural lands; protecting watershed lands to preserve water quality and water supply; conserving land in order to reduce erosion, floods, landslides, and runoff; improving disabled and public access to, and enjoyment of, public land, and open space; acquiring disabled and public access to public land, and open space.

(2) The moneys in this fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued pursuant to Sections 3.13, 3.14, or 3.15, Charter, in whole or in part—for the purposes enumerated in paragraph (1) of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

(3) At any given time, no more than five percent (5%) of this fund shall be used for administrative expenses.

(4) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in this fund shall not be used for any purpose except those listed in this section.

(5) The Council shall by ordinance establish procedures for the administration and priorities for the expenditure of moneys in this fund."

SECTION 3. Material to be deleted is bracketed. New material to be added is underscored. If this amendment is adopted by voters, the County Clerk need not show any underlining for inclusion in the Charter.

SECTION 4. The County Attorney and County Clerk shall approve the wording of the ballot question, which shall be substantially in the following form:

"Shall the portion of the Charter relating to the Public Access, Open Space, and Natural Resources Preservation Fund's mandatory minimum annual appropriation of one-half of one percent (0.5%) be amended such that effective July 1, 2016, beginning with the fiscal year 2016-2017 budget, the council shall appropriate a minimum of two percent (2%) of the certified real property tax revenues to the fund?"

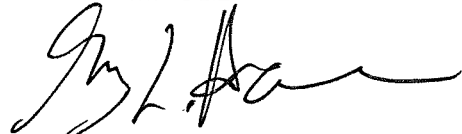
SECTION 5. Upon adoption of this Resolution by five (5) or more Councilmembers after two (2) readings on separate days, the County Clerk and County Attorney shall take the necessary steps to submit this amendment to the voters.

SECTION 6. Should the majority of the voters voting thereon approve the proposed amendment to the Charter, the amendment shall become effective on July 1, 2016, beginning with the fiscal year 2016-2017 budget.

Introduced by:



TIM BYNUM



GARY L. HOOSER

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	Aye	Nay	Exc	Recused
Bynum				
Chock				
Hooser				
Furfaro				
Kagawa				
Rapozo				
Yukimura				
Total				

Certificate Of Adoption

We hereby certify that Resolution No. _____
was adopted by the Council of the County of Kawai'i, State of
Kawai'i, Lihue, Kawai'i, Kawai'i, on

County Clerk
Dated


Chairman & Presiding Officer

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Resolution No. 2014-37, which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on June 25, 2014, by the following vote:

AYES:	Bynum, Chock, Hooser, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
June 25, 2014


Ricky Watanabe
County Clerk, County of Kaua'i